HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13 of 2007

Dated:03.01.2007

Between:

Office of Grampanchayat, Hazipur Village.

…Petitioner

and

The Government of Andhra Pradesh represented by Secretary, Department of Mines and Geology, Hyderabad. and others.

…Respondents

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ORDER:

The fourth respondent herein was granted quarry lease by the Deputy Director of Mines and Geology, Nizamabad (not a party to the writ petition), by proceedings No.1443/Q/06, dated 07.08.2006. Pursuant thereto, the third respondent by impugned letter, dated 04.11.2006, informed the fourth respondent to execute a lease deed and attend his office with required documents, as mentioned therein. Aggrieved by the same, the Gram Panchayat, Hazipur Village, filed the present Writ Petition.

It is the case of the petitioner-Gram Panchayat that the fourth respondent is illegally removing gravel (Morrum) in survey No.97 within the territorial limits of Gram Panchayat and when questioned, the fourth respondent informed that he got necessary permission to do so. It is the further contention of Gram Panchayat that the mandatory procedure prescribed under Rule 12 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 ("the Rules", for brevity), was not followed by the officials of the department, while granting lease to the fourth respondent.

After hearing learned counsel for the petitioner, this Court is not able to accept the Writ Petition. First, though the Deputy Director of Mines and Geology, Nizamabad, issued proceedings granting quarry lease in favour of the fourth respondent, the proceedings, dated 07.08.2006, is not specifically questioned. Challenge to the letter of the third respondent requiring the fourth respondent to attend the office with requisite challans/documents is of no consequence. Secondly,

against any order passed by the Deputy Director of Mines and Geology, an appeal has to be presented under Rule 35 of the Rules. The petitioner is, therefore, given liberty to approach the Director of Mines and Geology, and file an appeal within a period of ten days from the date of receipt of a copy of this order. As and when such appeal is filed, the second respondent may decide the same within a period of four weeks thereafter.

The Writ Petition, subject to the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

03.01.2007
GJ